

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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SUSIE AVCHEN,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\* \* \* \* \*

\* No. 14-279V  
\* Special Master Christian J. Moran  
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\*  
\* Filed: July 17, 2014  
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\* Stipulation; Influenza vaccine;  
\* Shoulder injury related to vaccine  
\* administration; SIRVA.  
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Ronald Craig Homer, Conway Homer & Chin-Caplan, P.C., Boston, MA, for petitioner;  
Alexis S. Babcock, United States Dep't of Justice, Washington, DC, for respondent.

### **UNPUBLISHED RULING FINDING ENTITLEMENT**<sup>1</sup>

On April 10, 2014, Susie Avchen filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §300a—10 et. seq., alleging that she suffered a shoulder injury related to her receipt of an influenza vaccination administered on October 6, 2011.

In her Rule 4(c) report, respondent states that “compensation is appropriate” in this case. Resp’t’s Rep’t, filed July 15, 2014, at 3. Respondent adds that the Division of Vaccine Injury Compensation, Department of Health and Human Services, has reviewed the facts of this case and has concluded, “Ms. Avchen

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

suffered a non-Table injury of SIRVA and that the preponderance of the medical evidence indicates that the injury was causally related to the vaccination.” Id.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that she is entitled to compensation for her injury.

**Accordingly, Ms. Avchen is entitled to compensation.** A status conference remains set for **Monday, July 21, 2014 at 10:00 A.M. Eastern Time**, to discuss the process for quantifying the amount of damages to which Ms. Avchen is entitled.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master